

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR63
)	
vs.)	ORDER
)	
WARD HUNNEL,)	
)	
Defendant.)	

This matter is before the court on the motion of Kelly M. Thomas to withdraw as counsel for the defendant, Ward Hunnel (Hunnel) (Filing No. 20). The court held a hearing on the motion on July 19, 2006. The court determined the motion should be granted. Mr. Thomas's motion to withdraw (Filing No. 20) is granted and substitute counsel will be appointed.

The court finds Hunnel is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. The Federal Public Defender for the District of Nebraska is appointed to represent the above named defendant in this matter. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district. The clerk shall provide a copy of this order to the Federal Public Defender.

Mr. Thomas shall forthwith provide the Federal Public Defender with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Thomas which are material to Hunnel's defense.

In order to provide new counsel adequate time to prepare for trial, trial of this matter is rescheduled before Judge Laurie Smith Camp and a jury commencing at 9:00 a.m. on September 26, 2006. During the hearing on July 19, 2006, Hunnel requested such

additional time and acknowledged the time provided would be excluded from the computations under the Speedy Trial Act. The additional **time** arising as a result of the granting of the request, i.e., the time between **July 19, 2006 and September 26, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 19th day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge